

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Debby J. Rios,

Case No. 3:08 CV 1982

Plaintiff,

MEMORANDUM OPINION
AND ORDER

-VS-

JUDGE JACK ZOUHARY

Commissioner of Social Security,

Defendant.

Plaintiff Debby Rios filed a Complaint (Doc. No. 1) against the Commissioner of Social Security seeking judicial review of the Commissioner's decision to deny supplemental security income benefits (SSI). This case was referred to a Magistrate Judge for a Report and Recommendation (R&R) in accordance with Local Rule 72.2(b)(1).

Following briefs on the merits from both parties, the Magistrate filed the R&R (Doc. No. 22) recommending the case be remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g)¹ to assess Plaintiff's credibility, residual functional capacity, and ability to work considering all relevant vocational factors. Neither party objected to the R&R.

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Sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), states: "The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing."

Upon review, this Court finds the R&R to be well-founded and supported by the record. The Court therefore adopts the R&R in its entirety. Accordingly, this case is remanded to the Commissioner for further proceedings as described in the R&R.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

August 26, 2009